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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/086,477

03/01/2002

Sean C. Semple

INEX.P-006-2

3225

32940

7590

05/02/2006

EXAMINER

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ART UNIT

PAPER NUMBER

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/086,477	Applicant(s) SEMPLE ET AL.	
	Examiner Michael D. Burkhart	Art Unit 1633	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

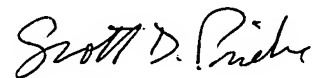
The Appeal Brief filed on 10 February 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items): Item 1: The brief does not contain the required sections: "Summary of the claimed subject matter" and "Grounds of rejection to be reviewed on appeal"; titling the sections "Summary of Invention;" "Issues;" "Grouping of claims" is improper. The latter two should be combined into "Grounds of rejection ...". Item 4: Appellant appears to present a prior art summary and arguments in the section incorrectly titled "Summary of Invention", rather than the required information. Item 7: Appendix A should provide a copy of the appealed claims, and the copy should be a clean copy, i.e. without amendment markings. Item 8: No copy of Hope et al, Mol. Membrane Biol. 15:1-14 (1998), cited on page 12, has been provided. It is noted that Hope et al. had not been provided previously either. Item 9: If there are no related appeals or interferences, the appendix must be present and indicate that there are no such copies of decisions by stating "none". In addition, Exhibits A-E were filed for the first time with the Brief, and as per 37 CFR 41.33(d)(2) will not be admitted or entered. Consequently, the Brief is defective for including evidence that has not been admitted. Also, as per 37 CFR 41.37(c)(ix) the Brief may not refer to evidence that has not been entered. Thus, the brief is also defective for referring to the unentered evidence, Exhibits A-E, and Hope et al., which has not been supplied .



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PRIMARY EXAMINER